IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated : Nainital the 24th day of June 2005
Criminal Misc. Bail Application No 512/2005
Order on the bail application of accused

CRIMINAL SIDE

Ashok Kumar S/o Sri Tamsha
R/o Shiv Nagar,
P.S. Rudrapur
District U.S. Nagar .....Applicant

Versus

State of Uttaranchal .....Opposite Party

Arising out of case crime No. 964/2005
U/s 363, 366, 376 I.P.C.
P.S. Rudrapur
District U.S. Nagar

Hon'ble J.C.S. Rawat, J.

Heard Sri J.S. Virk learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. The learned counsel for the applicant contended that the victim is above 16 years of age. The applicant was not named in the FIR and his name came into light in the statement under section 164 Cr.P.C. Perusal of the statement under section 164 Cr. P.C. reveals that the applicant is not named as 'rapist'. The role assigned by the applicant is only to entice and to take away the victim from her house. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant- accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated: 24.06.2005
LSR